



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

MAR 28 2014

REPLY TO THE ATTENTION OF:

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Dolores Mohr
President
H.J. Mohr
915 South Maple Avenue
Oak Park, Illinois 60304

Re: Notice of Violation
H.J. Mohr
Oak Park, Illinois

Dear Ms. Mohr:

The U.S. Environmental Protection Agency is issuing the enclosed Notice of Violation (NOV) to H.J. Mohr (you or Mohr) under Section 113(a)(1) of the Clean Air Act, 42 U.S.C. § 7413(a)(1). We find that you are violating the Illinois State Implementation Plan at your Oak Park, Illinois facility.

Section 113 of the Clean Air Act gives us several enforcement options. These options include issuing an administrative compliance order, issuing an administrative penalty order and bringing a judicial civil or criminal action.

We are offering you an opportunity to confer with us about the violations alleged in the NOV. The conference will give you an opportunity to present information on the specific findings of violation, any efforts you have taken to comply and the steps you will take to prevent future violations.

Please plan for your facility's technical and management personnel to attend the conference to discuss compliance measures and commitments. You may have an attorney represent you at this conference.

The EPA contact in this matter is Jennifer Wilson. You may call her at 312-353-3115 to request a conference. You should make the request within 10 calendar days following receipt of this letter. We should hold any conference within 30 calendar days following receipt of this letter.

Sincerely,

A handwritten signature in cursive script, appearing to read "G. T. Czerniak".

George T. Czerniak
Director
Air and Radiation Division

Enclosure

cc: Eric Jones

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5**

IN THE MATTER OF:

H.J. Mohr
Oak Park, Illinois

Proceedings Pursuant to
Section 113(a)(1) of the
Clean Air Act, 42 U.S.C.
§ 7413(a)(1)

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NOTICE OF VIOLATION

EPA-5-14-IL-05

NOTICE OF VIOLATION

The U.S. Environmental Protection Agency (EPA) is issuing this Notice of Violation under Section 113(a)(1) of the Clean Air Act, 42 U.S.C. § 7413(a)(1). EPA finds that H.J. Mohr (Mohr) is violating the Illinois State Implementation Plan (SIP), as follows:

Statutory and Regulatory Background

A. Clean Air Act

1. Section 110 of the CAA, 42 U.S.C. § 7410, requires each state to adopt and submit to EPA for approval a SIP that provides for the implementation, maintenance, and enforcement of the National Ambient Air Quality Standards.
2. Section 113(a) of the CAA, 42 U.S.C. § 7413(a)(1), authorizes the Administrator to initiate an enforcement action whenever, among other things, the Administrator finds that any person has violated or is in violation of a requirement or prohibition of an applicable implementation plan, regulation, or permit.

B. Illinois State Implementation Plan

3. On May 31, 1972, EPA approved 35 Ill. Admin Code § 201.141 as part of the federally enforceable SIP for the State of Illinois. See 37 Fed. Reg. 10842. 35 Ill. Admin Code § 201.141 is set forth in the Illinois SIP at Rule 102 and states that "No person shall cause or threaten or allow the discharge or emission of any contaminant into the environment in any State so as...to cause or tend to cause air pollution in Illinois, or so as to prevent the attainment or maintenance of any applicable ambient air quality standard."
4. 40 C.F.R. § 52.737 provides that "emission limitations and other provisions contained in operating permits issued by the State in accordance with the provisions of the federally approved permit program shall be the applicable requirements of the federally approved Illinois SIP for the purpose of section 113 of the Clean Air Act and shall be enforceable by USEPA...." 57 Fed. Reg. 59936.

5. On May 31, 1972, EPA approved 35 IAC § 201.144 as part of the federally enforceable SIP for the State of Illinois. See 37 Fed. Reg. 10842. 35 Ill. Admin Code § 201.144 is set forth in the Illinois SIP at Rule 103 and states, "No person shall cause or allow the operation of any existing emission source or any existing air pollution control equipment without first obtaining an operating permit from the Agency"
6. On July 14, 1999, EPA approved 35 Ill. Admin Code § 212.302 as part of the federally enforceable SIP for the State of Illinois. See 64 Fed. Reg. 37847, 37851. 35 Ill. Admin Code § 212.302 states that "[s]ections 212.304 through 212.310 and 212.312 of this Subpart shall apply to ... manufacturing operations (SIC major groups 20 through 39...), which are located in the areas defined by the boundaries of the following townships ... in the following counties: Cook: All townships."
7. On February 21, 1980, EPA approved 35 Ill. Admin Code § 212.306 as part of the federally enforceable SIP for the State of Illinois. See 45 Fed. Reg. 11493. 35 Ill. Admin Code § 212.306 is set forth in the Illinois SIP at Rule 203(f)(3)(C) and states that traffic pattern areas surrounding storage piles, traffic pattern roads, and parking facilities "shall be paved or treated with water, oils or chemical dust suppressants." The treatment shall also be applied, "on a regular basis, as needed, in accordance with the operating program required by Rule 203(f)(3)(F) [Sections 212.309, 212.310 and 212.312]."
8. On February 21, 1980, EPA approved 35 Ill. Admin Code § 212.308 as part of the federally enforceable SIP for the State of Illinois. See 45 Fed. Reg. 11493. 35 Ill. Admin Code § 212.308 is set forth in the Illinois SIP at Rule 203(f)(3)(Ea) and states that "[c]rushers, grinding mills, screening operations, bucket elevators, conveyor transfer points, conveyors, bagging operations, storage bins and fine product truck and railcar loading operations shall be sprayed with water or a surfactant solution, utilize choke-feeding or be treated by an equivalent method in accordance with an operating program."
9. On July 14, 1999, EPA approved 35 Ill. Admin Code § 212.309 as part of the federally enforceable SIP for the State of Illinois. See 64 Fed. Reg. 37847, 37851. 35 Ill. Admin Code § 212.309 states "[t]he emission units described in Sections 212.304 through 212.308 and Section 212.316 of this subpart shall be operated under the provisions of an operating program, consistent with the requirements set forth in Sections 212.310 and 212.312 of this Subpart... Such operating program shall be designed to significantly reduce fugitive particulate matter emissions."
10. On February 21, 1980, EPA approved 35 Ill. Admin Code § 212.310 as part of the federally enforceable SIP for the State of Illinois. See 45 Fed. Reg. 11493. 35 Ill. Admin Code § 212.310 is set forth in the Illinois SIP at Rule 203(f)(3)(F) and describes the minimum requirements of a fugitive particulate operating program to include:
 - a. "The name and address of the facility;
 - b. The name and address of the owner or operator responsible for execution of the operating program;

- c. A map or diagram of the facility showing approximate locations of storage piles, conveyor loading operations, normal pattern access areas surrounding storage piles and all normal traffic patterns within the facility;
- d. Location of unloading and transporting operations with pollution control equipment;
- e. A detailed description of the best management practices utilized to achieve compliance with this Subpart, including an engineering specification of particulate collection equipment, application systems for water, oil, chemicals and dust suppressants utilized and equivalent methods utilized;
- f. Estimated frequency of application of dust suppressants by location of materials; and
- g. Such other information as may be necessary to facilitate the Agency's review of the operating program."

Permit Background

- 11. On February 3, 2000, the Illinois Environmental Protection Agency (IEPA) issued Mohr a Lifetime General Operating Permit for a Concrete Batch Plant, permit #72120533.
- 12. Paragraph 6 of permit #72120533 states, "The concrete batch plant shall not cause or allow the emission of fugitive particulate matter from any process, including any material handling or storage activity that is visible beyond the property line of the emission source, pursuant to 35 Ill. Adm. Code 212.301."
- 13. Paragraph 7.a. of permit #72120533 states, "The concrete batch plant shall be operated in accordance with good operating practices to minimize particulate matter emissions."
- 14. Paragraph 7.b. of permit #72120533 states, "Inspections of the plant and control systems equipment and operations shall be performed as necessary but at least once per week when the plant is in operation to confirm compliance with the above requirements."
- 15. Paragraph 8.b. of permit #72120533 requires the permittee to keep records of cement and fly ash receipts in tons per month and tons per year, on a monthly basis.

Factual Background

- 16. Mohr owns and operates a concrete batch plant, SIC 3273, located at 915 South Maple Avenue, Oak Park, Illinois 60304 (the Facility).
- 17. The Facility has been in operation at this location since 1893 and is surrounded by a residential area and a park.
- 18. EPA has received complaints about particulate matter emissions leaving the property from residents that live near the Facility.

19. As a result of the complaints, the EPA representatives performed an inspection of the Facility on June 20, 2013, and observed the following:
- a. Visible emissions were observed from the dirt roads every time trucks drove over them. The EPA representatives saw these emissions cross the property boundary three times.
 - b. A representative of the Facility stated that roads are not watered to prevent dust.
 - c. Many uncovered piles of sand, screening, and other small materials were observed.
 - d. Some of the piles appeared to be wet and others were not.
 - e. Parts of the conveyors carrying the materials up to the top of the mixer were not covered. The conveyors were also not sprayed with water or chemicals during the tour.
 - f. The Facility did not have a copy of its fugitive particulate operating program available.
 - g. When asked if the Facility maintains records of weekly inspections of the plant and baghouses, a representative indicated that it does not, employees address problems as they happen.
20. After the inspection, Mohr e-mailed EPA a copy of the Facility's Fugitive Particulate Operating Program. The document contains only a checklist that IEPA created of the type of sources at the facility and information about vehicular miles traveled. The document does not include control methods for fugitive particulate emissions from the sources at the Facility.
21. On September 27, 2013, EPA sent Mohr a Request for Information. In response to that request, Mohr provided EPA with cement receipts, receipts for unidentified purchases, and other items.

Violations

22. Mohr violated Rule 203(f)(3)(C) of the Illinois SIP [35 Ill. Admin Code § 212.306] by not watering roads at the Facility.
23. Mohr violated Rule 102 of the Illinois SIP [35 Ill. Admin Code § 201.141] by causing pollution from its processes.
24. Mohr violated Paragraph 6 of permit #72120533, by causing particulate matter pollution to cross the property line of the Facility onto residents' homes and nearby businesses.
25. Mohr violated Paragraph 7.a. of permit #72120533, by not using good operating practices at the Facility to prevent particulate matter emissions.

26. Mohr violated Paragraph 8.b. of permit #72120533, by not keeping receipts for fly ash purchases that specify the type of material or the quantity of the purchase in tons/month.
27. Mohr violated Paragraph 7.b. of permit #72120533, by not inspecting the plant, control systems equipment, and operations weekly.
28. Mohr violated Rule 203(f)(3)(F) of the Illinois SIP [35 Ill. Admin Code § 212.310] by not including the following items in its Fugitive Particulate Operating Program:
 - a. A map or diagram of the facility showing approximate locations of storage piles, conveyor loading operations, normal pattern access areas surrounding storage piles and all normal traffic patterns within the facility;
 - b. Locations of unloading and transporting operations with pollution control equipment;
 - c. A detailed description of the best management practices utilized to achieve compliance with this Subpart, including an engineering specification of particulate collection equipment, application systems for water, oil, chemicals and dust suppressants utilized and equivalent methods utilized; and
 - d. Estimated frequency of application of dust suppressants by location of materials.

Environmental Impact of Violations

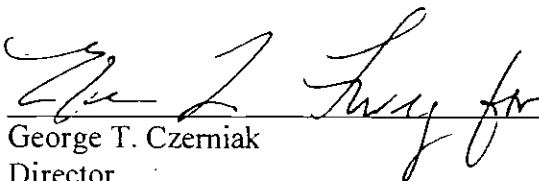
These violations have caused or can cause excess emissions of particulate matter. Particulate matter, and especially fine particulates, contain microscopic solids or liquid droplets, which can get deep into the lungs and cause serious health problems. Particulate matter exposure contributes to:

- irritation of the airways, coughing, and difficulty breathing;
- decreased lung function;
- aggravated asthma;
- chronic bronchitis;
- irregular heartbeat;
- nonfatal heart attacks; and
- premature death in people with heart or lung disease.

Date

3/28/14

George T. Czerniak
Director
Air and Radiation Division



CERTIFICATE OF MAILING

I, Loretta Shaffer, certify that I sent a Notice of Violation, No. EPA-5-14-IL-05, by

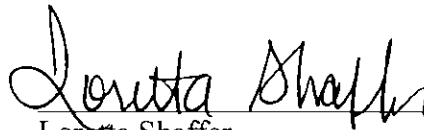
Certified Mail, Return Receipt Requested, to:

Dolores Mohr
President
H.J. Mohr
915 South Maple Avenue
Oak Park, IL 60304

I also certify that I sent copies of the Notice of Violation by first-class mail to:

Eric Jones,
Manager, Compliance Unit
Bureau of Air
Illinois Environmental Protection Agency

On the 31 day of March 2014.



Loretta Shaffer
Program Technician
AECAB, PAS

CERTIFIED MAIL RECEIPT NUMBER: 7009 1680 0000 7670 0634